

255.05 CHRONIC DISEASE AND INJURIES

(d) "Public agency" means a county, city, village, town or school district or an agency of this state or of a county, city, village, town or school district.

(2) From the appropriation under s. 20.435 (5) (cc), the department shall allocate up to \$400,000 in each fiscal year to provide grants to applying individuals, institutions or organizations for the conduct of projects on cancer control and prevention. Funds shall be awarded on a matching basis, under which, for each grant awarded, the department shall provide 50%, and the grantee 50%, of the total grant funding.

(3) The department shall promulgate rules establishing the criteria and procedures for the awarding of grants for projects under sub. (2).

History: 1987 a. 399; 1989 a. 31; 1991 a. 39; 1993 a. 27 s. 344; Stats. 1993 s. 255.05; 1995 a. 27; 1997 a. 27, 79; 1999 a. 9.

Cross Reference: See also ch. HFS 147, Wis. adm. code.

255.06 Well-woman program. (1) DEFINITIONS. In this section:

(a) "Hospital" has the meaning given in s. 50.33 (2).

(b) "Mammography" means the making of a record of a breast by passing X rays through a body to act on specially sensitized film.

(c) "Medicare" has the meaning given in s. 49.498 (1) (f).

(d) "Nurse practitioner" means a registered nurse licensed under ch. 441 or in a party state, as defined in s. 441.50 (2) (j), whose practice of professional nursing under s. 441.11 (4) includes performance of delegated medical services under the supervision of a physician, dentist, or podiatrist.

(e) "Poverty line" means the nonfarm federal poverty line for the continental United States, as defined by the federal department of labor under 42 USC 9902 (2).

(2) **WELL-WOMAN PROGRAM.** From the appropriation under s. 20.435 (5) (cb), the department shall administer a well-woman program to provide reimbursement for health care screenings, referrals, follow-ups, and patient education provided to low-income, underinsured, and uninsured women. Reimbursement to service providers under this section shall be at the rate of reimbursement for identical services provided under medicare, except that, if projected costs under this section exceed the amounts appropriated under s. 20.435 (5) (cb), the department shall modify services or reimbursement accordingly. Within this limitation, the department shall implement the well-woman program to do all of the following:

(a) *Breast cancer screening services.* Provide not more than \$422,600 in each fiscal year as reimbursement for the provision of breast cancer screening services to women who are aged 40 years or older, by a hospital or organization that has a mammography unit available for use and that is selected by the department under procedures established by the department. Recipients of services under this paragraph are subject to a copayment, payable to the service provider, for which the department shall reduce reimbursement to the service provider, as follows:

1. For a woman for whom 3rd-party coverage for services is obtainable, payment by the source of the 3rd-party coverage at full reasonable charge.

2. For a woman for whom 3rd-party coverage for services is not obtainable and whose income is above 150% of the poverty line, a copayment for the provided service that is based on a sliding scale, as developed by the department, according to the woman's income.

3. For a woman for whom 3rd-party coverage is not obtainable and whose income is at or below 150% of the poverty line, no copayment.

(b) *Media announcements and educational materials.* Allocate and expend at least \$20,000 in each fiscal year to develop and provide media announcements and educational materials to promote breast cancer screening services that are available under

pars. (a) and (c) and to promote health care screening services for women that are available under par. (e).

(c) *Breast cancer screenings using mobile mammography van.* Reimburse the city of Milwaukee public health department for up to \$115,200 in each fiscal year for the performance of breast cancer screening activities with the use of a mobile mammography van.

(d) *Specialized training to for rural colposcopic examinations and activities.* Provide not more than \$25,000 in each fiscal year as reimbursement for the provision of specialized training of nurse practitioners to perform, in rural areas, colposcopic examinations and follow-up activities for the treatment of cervical cancer.

(e) *Health care screening, referral, follow-up, and patient education.* Reimburse service providers for the provision of health care screening, referral, follow-up, and patient education to low-income, underinsured, and uninsured women.

(f) *Women's health campaign.* Conduct a women's health campaign to do all of the following:

1. Increase women's awareness of issues that affect their health.

2. Reduce the prevalence of chronic and debilitating health conditions that affect women.

(g) *Osteoporosis prevention and education.* Conduct an osteoporosis prevention and education program to raise public awareness concerning the causes and nature of osteoporosis, the risk factors for developing osteoporosis, the value of prevention and early detection of osteoporosis, and options for diagnosing and treating osteoporosis.

(3) **SERVICE COORDINATION.** The department shall coordinate the services provided under this section with the services provided under the minority health program under s. 146.185, to ensure that disparities in the health of women who are minority group members are adequately addressed.

History: 1991 a. 39 s. 3709, 3710, 3711; Stats. 1991 s. 146.0275; 1991 a. 269; 1993 a. 16; 1993 a. 27 s. 345; Stats. 1993 s. 255.06; 1995 a. 27; 1997 a. 27, 79; 2001 a. 16.

255.08 Tanning facilities. (1) DEFINITIONS. In this section:

(a) "Phototherapy device" means equipment that emits ultraviolet radiation and is used in treating disease.

(b) "Tanning device" means equipment that emits electromagnetic radiation having wavelengths in the air between 200 and 400 nanometers and that is used for tanning of human skin and any equipment used with that equipment, including but not limited to protective eyewear, timers and handrails, except that "tanning device" does not include a phototherapy device used by a physician.

(c) "Tanning facility" means a place or business that provides persons access to a tanning device.

(2) **PERMITS.** (a) No person may operate a tanning facility without a permit that the department may, except as provided in ss. 250.041 and 254.115, issue under this subsection. The holder of a permit issued under this subsection shall display the permit in a conspicuous place at the tanning facility for which the permit is issued.

(b) Permits issued under this subsection shall expire annually on June 30. Except as provided in ss. 250.041 and 254.115, a permit applicant shall submit an application for a permit to the department on a form provided by the department with a permit fee established by the department by rule. The application shall include the name and complete mailing address and street address of the tanning facility and any other information reasonably required by the department for the administration of this section.

(3) **ADVERTISING.** No tanning facility may state in any advertising that the tanning facility holds a license or permit issued by the department to operate a tanning facility.

(4) **NOTICE.** Each tanning facility shall give to each of its customers written notice of all of the following:

- (a) Failure to wear the eye protection provided by the tanning facility may damage the customer's eyes and cause cataracts.
- (b) Overexposure to a tanning device causes burns.
- (c) Repeated exposure to a tanning device may cause premature aging of the skin and skin cancer.
- (d) Abnormal skin sensitivity or burning of the skin while using a tanning device may be caused by the following:

- 1. Certain foods.
- 2. Certain cosmetics.

- 3. Certain medications, including but not limited to tranquilizers, diuretics, antibiotics, high blood pressure medicines and birth control pills.

- (e) Any person who takes a drug should consult a physician before using a tanning device.

(5) WARNING SIGN. Each tanning facility shall prominently display a warning sign in each area where a tanning device is used. That sign shall convey the following directions and information:

- (a) Follow instructions.

- (b) Avoid too frequent or too lengthy exposure. Like exposure to the sun, use of a tanning device can cause eye and skin injury and allergic reactions. Repeated exposure can cause chronic sun damage, which is characterized by wrinkling, dryness, fragility and bruising of the skin and skin cancer.

- (c) Wear protective eyewear.

- (d) Ultraviolet radiation from tanning devices will aggravate the effects of the sun, so do not sunbathe during the 24 hours immediately preceding or immediately following the use of a tanning device.

- (e) Medications and cosmetics may increase your sensitivity to ultraviolet radiation. Consult a physician before using a tanning device if you are using medications, have a history of skin problems or believe that you are especially sensitive to sunlight. Women who are pregnant or using birth control pills and who use a tanning device may develop discolored skin.

- (f) If your skin does not tan when exposed to the sun it is unlikely that your skin will tan when exposed to this tanning device.

(6) TUBE REPLACEMENT. Each tanning facility shall post a sign in each area where a tanning device is used stating the date on which each fluorescent tube in that tanning device was last replaced. The tanning facility shall maintain a record of the date on which each fluorescent tube is replaced.

(7) CLAIMS PRECLUDED. No owner or employee of a tanning facility may claim, or distribute materials that claim, that using a tanning device is free of risk.

(8) LIABILITY. A tanning facility's compliance with the requirements of subs. (4) and (5) does not relieve the owner or any employee of the tanning facility from liability for injury sustained by a customer from the use of a tanning device.

(9) DUTIES OF OWNER. The owner of a tanning facility shall ensure that all of the following requirements are fulfilled:

- (a) No customer under 16 years of age is permitted to use the tanning facility.

- (b) During operating hours there is present at the tanning facility a trained operator who is able to inform customers about, and assist customers in, the proper use of tanning devices.

- (c) Each tanning bed is properly sanitized after each use.

- (d) Each customer, before he or she begins to use a tanning device, is provided with properly sanitized and securely fitting protective eyewear that protects the wearer's eyes from ultraviolet radiation and allows enough vision to maintain balance.

- (e) Customers are not allowed to use a tanning device unless the customer uses protective eyewear.

- (f) Each customer is shown how to use such physical aids as handrails and markings on the floor to determine the proper distance from the tanning device.

- (g) A timing device that is accurate within 10% is used.

- (h) Each tanning device is equipped with a mechanism that allows the customer to turn the tanning device off.

- (i) Each customer is limited to the maximum exposure time recommended by the manufacturer.

- (j) Customers are not allowed to use a tanning device more than once every 24 hours.

- (k) The interior temperature of the tanning facility does not exceed 100 degrees Fahrenheit.

- (L) The statements under sub. (10) (a) are retained for 3 years or until the customer signs a new statement.

(10) DUTIES OF USER. A user of a tanning facility shall do all of the following:

- (a) Immediately before the customer's first use of a tanning facility in a year, sign a statement acknowledging that he or she has read and understands the notice under sub. (4) and the warning sign under sub. (5) and specifying that the customer agrees to use protective eyewear.

- (b) Use protective eyewear at all times while using a tanning device.

(11) INJURY REPORTS. If a person requires medical attention due to use of a tanning facility, the owner of that tanning facility shall report that injury to the department in writing and send a copy of that report to the injured person. The owner of the tanning facility shall retain a copy of the report for 3 years.

(12) RULES. The department may promulgate rules necessary to administer this section.

(13) DENIAL, SUSPENSION OR REVOCATION OF PERMITS. The department may under this section, after a hearing under ch. 227, deny issuance of a permit to an applicant or suspend or revoke any permit issued under sub. (2) if the applicant or permit holder or his or her employee violates sub. (2), (3), (4), (5), (6), (7), (9) or (11) or any rule promulgated thereunder.

(14) ENFORCEMENT. The department shall enforce this section.

(15) PENALTIES. Any person who violates sub. (2), (3), (4), (5), (6), (7), (9) or (11) or any rule promulgated thereunder may be required to forfeit not less than \$50 nor more than \$250. The court may also revoke a permit issued to any person under sub. (2) if that person or his or her employee violates sub. (3), (4), (5), (6), (7), (9) or (11).

History: 1991 a. 192; 1993 a. 27 s. 355; Stats. 1993 s. 255.08; 1997 a. 191, 237.

255.10 Thomas T. Melvin youth tobacco prevention and education program. From the moneys distributed under s. 255.15 (3) (a) 2., the department shall administer the Thomas T. Melvin youth tobacco prevention and education program, with the primary purpose of reducing the use of cigarettes and tobacco products by minors. The department shall award grants for the following purposes:

- (1)** Community education provided through local community initiatives.

- (2)** A multimedia education campaign directed at encouraging minors not to begin using tobacco, motivating and assisting adults to stop using tobacco and changing public opinion on the use of tobacco.

- (3)** Public education through grants to schools to expand and implement curricula on tobacco education.

- (4)** Research on methods by which to discourage use of tobacco.

- (5)** Evaluation of the program under this section.

History: 1997 a. 27; 2001 a. 16.

255.15 Statewide tobacco control program. (1) DEFINITIONS. In this section, "board" means the tobacco control board.

(1m) DUTIES. The board shall do all of the following:

- (a) Appoint an executive director within the classified service who shall employ staff within the classified service with appropriate programmatic and technical expertise.

- (b) Administer the grant program under sub. (3).